

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In The Matter of )  
 )  
Billed Party Preference ) CC Dkt. No. 92-77  
for InterLata 0+ Calls )

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**PETITION FOR RECONSIDERATION**

One Call Communications, Inc., d/b/a OPTICOM ("Opticom"), by its attorney and pursuant to Section 1.429 of the Commissions rules,<sup>1</sup> hereby files this Petition for Reconsideration ("Petition") in the above captioned proceeding.<sup>2</sup> Specifically, Opticom respectfully requests that the Commission reconsider its decision to require operator service providers ("OSPs") to provide on-demand rate branding to the recipient of a collect call, and to reconsider its decision to impose a July 1, 1998 deadline for implementing on-demand rate branding for 0+ interstate, interLATA calls using an OSP.

**I. Current Technology May Not Allow Rate Branding To Called Parties Receiving Collect Calls.**

In its Second Report and Order, the Commission adopted rules requiring an OSP to orally advise callers placing 0+ interstate, domestic, interexchange calls from an aggregator location of their right to obtain a price quote from the carrier before the call is completed, and before the caller incurs any charges.<sup>3</sup> The Commission stated that it would also require OSPs to make an oral

<sup>1</sup> 47 C.F.R. § 1.429.

<sup>2</sup> In the Matter of Billed Party Preference for InterLATA 0+ Calls, Second Report and Order and Order on Reconsideration, CC Dkt. No. 92-77, 1998 WL 31845 ("Second Report and Order").

<sup>3</sup> Id. at ¶ 17.

disclosure at the point of purchase of 0+ calls.<sup>4</sup> The Commission reasoned that these measures were necessary to ensure that consumers had sufficient information, prior to being charged for a call, to be fully aware of their right to know the cost of the 0+ call.<sup>5</sup>

Opticom has supported the Commission's efforts to require the disclosure of specific rate information prior to call completion.<sup>6</sup> Upon further review, however, Opticom has discovered that it may not be able to provide this rate branded information to the called party of a collect call. With a collect call, the rate disclosure would occur at the terminating end of the call. Providing this rate information this far into the call may cause insurmountable problems.

Immediately after release of the Second Report and Order, Opticom sought the services of Harris Digital Telephone Systems ("Harris"), the current provider of Opticom's Harris/Protocall Operator Services Platform, to help Opticom comply with the Commission's on-demand rate branding requirements. Harris has been looking into the feasibility of providing this information to the recipient of a collect call, but will not be able to provide Opticom with a report of its findings until April 15, which falls one week after a Petition for Reconsideration of the Second Report and Order must be filed. Therefore, as of the filing of this Petition, Opticom cannot be sure whether it can comply with this requirement, and asks the Commission to reconsider its decision to require OSPs to provide rate branded information to the recipient of a collect call.<sup>7</sup>

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<sup>4</sup> Id. at ¶ 19.

<sup>5</sup> Id.

<sup>6</sup> See Comments of One Call Communications, Inc. d/b/a OPTICOM, CC Dkt. No. 92-77, submitted July 17, 1996 ("Comments"); Further Comments of One Call Communications, Inc. d/b/a OPTICOM, CC Dkt. No. 92-77, submitted November 13, 1996 ("Further Comments"); Reply Comments of One Call Communications, Inc. d/b/a OPTICOM, CC Dkt. No. 92-77, submitted December 3, 1996 ("Reply Comments").

<sup>7</sup> Under normal circumstances, Opticom would request a temporary waiver of a rule that it could not comply with. However, because Opticom is not expecting to find out whether or not it is technically feasible to comply with this requirement until it receives a report from Harris, Opticom is not able to ascertain whether a waiver or this Petition is the appropriate filing.

## **II. The July 1, 1998 Effective Date of The New Rules Does Not Appear to be Feasible.**

Opticom respectfully requests that the Commission reconsider its decision to require compliance with the new rules by July 1, 1998. In particular, even if it is possible to comply with the Commission's Second Report and Order, it will take, at a minimum, at least six months to become operational under the Commission's new rules.<sup>8</sup> Indeed, Opticom estimated in its Further Comments that it would take a team of at least two people working between eight and eighteen months to implement such an on-demand system.<sup>9</sup>

Opticom has 16 robotic (*i.e.*, fully automated) OS/2/386 work stations. In order for these robotic work stations to feasibly provide rate branding information to end users, Opticom will be required to upgrade them to OS/2 Warp 4 Pentiums. Opticom is doubtful that it can procure 16 stations by July 1, 1998, let alone fully integrate those stations into Opticom's current network.

In addition, Opticom currently has a total of 175 operator work stations housed in two operator centers. All 175 of Opticom's work stations currently operate using DOS, and will require an upgrade to Windows 95 to be able to operate the on-demand rate branding Harris software which is only in the testing and development stages, and will most likely require additional versions to ensure that it is completely "debugged."<sup>10</sup> In short, compliance by July 1, 1998 does not appear feasible.

If these rules become effective before the proper implementation of the necessary hardware and software changes, it will be necessary to provide on-demand rate branding solely through live operators. Opticom currently receives approximately 90,000 calls per day, of which 40 percent, or

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<sup>8</sup> Cf., Second Report and Order at ¶ 27, where the Commission has provided a 15 month extension from these on-demand rules for equipment utilizing embedded store and forward technology, because those providers need additional time to modify or replace embedded equipment.

<sup>9</sup> Further Comments at 6.

<sup>10</sup> Separate and apart from these software upgrades, Opticom may be required to install additional memory and software into its machines.

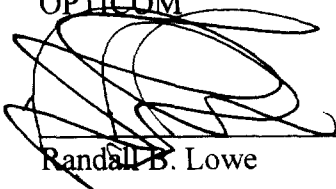
36,000 account for collect calls. Of those 36,000 collect calls, approximately 10,600 are currently routed entirely through robotic work stations. Opticom respectfully submits that it is not feasible for an OSP provider, such as Opticom, to prepare for and handle this increase in traffic routed through live operators by July 1, 1998. These results will lead to unacceptable post-dial delay, and unanswered calls.<sup>11</sup>

### III. CONCLUSION

Based on the forgoing, Opticom respectfully requests that the Commission reconsider its decision requiring rate branded price quotes to called parties, and that the Commission extend the effective date for compliance with the rules ultimately adopted in this proceeding by at least six months.

Respectfully Submitted,

One Call Communications, Inc. d/b/a  
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<sup>11</sup> Opticom also estimates that initially, solely using live operators would extend average call lengths by eight seconds which would aggravate a calling party's ability to place an operator assisted call.